

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

WILLIAM J. WINDHAM and)	
GWENDOLYN JOYCE WINDHAM,)	
)	
Plaintiffs,)	
)	CASE NO. 3:05 CV-472-M
v.)	
)	
B. W. CAPPS & SONS, INC.,)	
)	
Defendant.)	

NOTICE CONCERNING SETTLEMENT
CONFERENCE AND MEDIATION

COMES NOW, the Plaintiff in the above-captioned case and pursuant to Section 3 of the Uniform Scheduling Order notifies the Court as follows:

1.

Counsel for all parties met for a face-to-face settlement conference in February of 2006. During the initial course of settlement negotiations, the parties were unable to reach a resolution. However, the parties are hopeful that further settlement discussions may be successful.

2.

The parties herein state to the Court that they believe mediation will assist them in resolving this case prior to trial. Accordingly, the parties request this Court assign a mediator to schedule a mediation conference in this case. I am authorized to state that counsel for Defendant concurs with the statements and representations set forth in this pleading.

This 8th day of March, 2006.

SAMS, LARKIN & HUFF, LLP

/S/ JAMES BALLI

By: _____
James A. Balli
Attorney for Plaintiffs
Ala. Bar No. BAL036

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CERTIFICATE OF SERVICE

This is to certify that I have this day served a copy of the foregoing NOTICE CONCERNING SETTLEMENT CONFERENCE AND MEDIATION upon all parties by electronic noticing procedures set forth by this Court as set forth below:

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This 8th day of March, 2006.

SAMS, LARKIN & HUFF, LLP

/S/ JAMES BALLI

By: _____
James A. Balli
Attorney for Plaintiffs
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